

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

MAXUS REALTY TRUST, INC.,)	
)	
Plaintiff,)	
)	Case No. 06-0750-CV-W-ODS
v.)	
)	Civil Action
RSUI INDEMNITY COMPANY,)	
)	
Defendant.)	

NOTICE TO TAKE VIDEOTAPED DEPOSITION OF JONATHAN W. MILTON

TO: Courtney E. Murphy
Clausen Miller P.C.
One Chase Manhattan Plaza, 39th Floor
New York, NY 10005

George E. Wolf
Douglas S. Beck
Kelly G. Bieri
Shook, Hardy & Bacon L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
ATTORNEYS FOR DEFENDANT
RSUI INDEMNITY COMPANY

PLEASE TAKE NOTICE that counsel for plaintiff, Maxus Realty Trust, Inc., will take the videotaped deposition of Jonathan W. Milton of Milton Engineering Consultants, P.A. on Thursday, October 11, 2007, beginning at 9:00 a.m., at the law offices of Clausen Miller P.C., One Chase Manhattan Plaza, 39th Floor, New York, NY 10005. The witness is instructed to bring with him the items referenced in the attached Exhibit A. Counsel for plaintiff will take this videotaped deposition for all purposes allowed under the Federal Rules of Civil Procedure. This videotaped deposition will be taken before a person authorized to administer oaths and if not completed, will continue at a time and place agreed to by all parties.

Respectfully submitted,

/s/ Michael J. Abrams

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MAXUS REALTY TRUST, INC.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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Date: September 6, 2007

/s/ Michael J. Abrams
Attorneys for Plaintiff

EXHIBIT A

1. A current curriculum vitae.
2. Any and all documents reviewed by deponent in preparation for this deposition, or in preparation or formation of his opinions in this case, including, but not limited to, learned treatises, publications, correspondence, depositions, photographs, witness statements, and any documents relating to the claim by plaintiff Maxus Realty Trust, Inc. against defendant RSUI Indemnity Company.
3. A complete copy of deponent's file related to his retention by defendant for the purpose of rendering an expert opinion in this action, including, but not limited to, all documents reviewed by deponent in connection with deponent's retention, all documents utilized in connection with the preparation and formulation of any opinions deponent will render in this action, any and all notes, reports, drafts, correspondence, or other documents prepared by deponent in the preparation or formation of deponent's opinions in this case or in preparation for this deposition.
4. Any other documents reviewed by deponent in preparation for this deposition.
5. All documents on which the deponent has relied in formulating deponent's opinions in the case.
6. The originals of any and all notes, diaries, tests, studies, reports, draft reports, correspondence, emails, electronic media or other documents created by deponent in the preparation or formulation of deponent's opinions in this case or in preparation for this deposition, including any exhibits to be used by deponent as a summary or in support of any opinion to which deponent intends to testify.

7. A bibliography of all books and/or articles published and/or authored, in whole or in part, by deponent.

8. Copies of any unpublished books and/or articles written, in whole or in part, by deponent, including books and/or articles submitted for publication.